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Ben Barka Mystery Continues Despite French Major's Arrest

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PARIS, Feb. 12—The arrest in the agency revealed his identity to the press and, apparently shocked by the arrest of his superior, said he had "proof" that the major had kept the agency leadership informed.

Maj. Marcel le Roy, alias Finville, alias Donald, alias Thomas, became the sixth defendant in the case after his arrest Thursday night. Mr. Ben Barka, a Moroccan opposition leader, was abducted on a Paris street three and a half months ago.

Major le Roy's arrest led newspaper commentators to ask whether the officer was being "sacrificed" by his superiors to freeze the investigation at his level and protect higher-ranking officials.

Five Other Defendants

The other defendants are two French policemen, another member of the intelligence agency, a free-lance writer and a Moroccan undergoing schooling in Paris.

Major le Roy was charged simply with failure to report a crime. The others have been charged with active participation in the kidnapping.

The major admitted to the investigating magistrate that over a period of five months he had been kept informed on the preparations that went into the plot to kidnap Mr. Ben Barka and that he had also received a full report on the execution of the crime.

The information came to him from one of his subordinates, Antoine Lopez, a defendant, who has confessed to being one of the kidnappers.

Nevertheless, Major le Roy told the magistrate, he had failed to report the information to his superiors until well after the crime became known through the newspapers. Then he wrote a report that he antedated by a month and inserted fraudulently into the records of his agency.

Command Transferred

The existence of the antedated report was made known to the magistrate a week ago by the new command of the intelligence agency, which is the French equivalent of the United States Central Intelligence Agency.

The general in charge of the agency was relieved last month and replaced by another general. Control over the agency was shifted from the Prime Minister's office to the Armed Forces Ministry.

Late Thursday night one of

The intelligence agency is involved in an increasingly acrimonious feud with members of another, less official undercover network called the "Barbouzes" (the bearded ones) that fought right-wing extremists during and after the war in Algeria.

Pierre Lemarchand, a Gaullist member of the National Assembly and a former "Barbouze," has accused the intelligence agency of having organized and executed the crime against Mr. Ben Barka. He made his charge in testimony before the investigating magistrate three days ago. He accused the agency of trying to frame him with allegations that he played a role in the crime.

Mr. Lemarchand is a friend of Interior Minister Roger Frey and has close relations also with high officials of the Paris police force, which is under the control of the Interior Ministry.